

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

Yolany PADILLA, *et al.*,

Plaintiffs,

v.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT, *et al.*,

Defendants.

Case No. 2:18-cv-00928-MJP

**DECLARATION OF
TRINA REALMUTO IN
SUPPORT OF PLAINTIFFS'
AMENDED MOTION FOR
CLASS CERTIFICATION**

I, Trina Realmuto, hereby declare:

1. I am the Directing Attorney of the American Immigration Council (Boston). I am one of the counsel for Plaintiffs in this case.

2. I was admitted to the New York and California bars in 1998 and 1999, respectively, after graduating from Albany Law School of Union University in 1997 and the University of North Carolina at Chapel Hill in 1994. I am admitted to practice before the courts of the States of New York and California, the United States District Courts for the Southern and Eastern Districts of New York, the United States District Courts for the Northern,

1 Southern, Eastern and Central Districts of California, the United States District Court for the
 2 District of Connecticut, the United States District Court for the District of Vermont as well as
 3 the United States Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Seventh,
 4 Eighth, Ninth, Tenth and Eleventh Circuits, and the U.S. Supreme Court.

5 3. I have practiced immigration law for over 20 years. I began working in
 6 immigration law in 1997, first as an associate attorney at the law firm of Van Der Hout &
 7 Brigagliano (now Van Der Hout, Brigagliano & Nightingale LLP), later as an attorney
 8 consultant to the American Immigration Law Foundation (now the American Immigration
 9 Council), and then, from 2009 to 2017, as a Staff Attorney and then Litigation Director for the
 10 National Immigration Project of the National Lawyers Guild. In September 2017, I began
 11 working again for the American Immigration Council in my current position.
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13 4. I have litigated or am litigating immigration cases before the immigration court
 14 in San Francisco, California, the Board of Immigration Appeals, and federal district courts in
 15 the Northern, Southern, and Eastern Districts of California, the Eastern and Southern Districts
 16 of New York, the District of Connecticut, the Northern District of Georgia (*pro hac vice*), the
 17 Southern District of Texas (*pro hac vice*), the District of Columbia (*pro hac vice*), the Middle
 18 District of Tennessee (*pro hac vice*), the District of Vermont (*pro hac vice*), the District of
 19 Massachusetts (*pro hac vice*), the Western District of North Carolina (*pro hac vice*), and the
 20 Western District of Washington (*pro hac vice*).
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22 5. I have litigated or am litigating cases on behalf of *amicus curiae* before the
 23 Board of Immigration Appeals, several federal district courts, the U.S. Courts of Appeals for
 24 the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh
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1 Circuits, and the U.S. Supreme Court.

2 6. Among the immigration cases I have litigated are the following:

- 3 • *Rodriguez v. Aitken*, Case No. 13-0551 SC (N.D. Cal., filed Feb. 21, 2013)
- 4 (unpublished) (settlement of Federal Tort Claims Act claims against ICE for unlawful detention
- 5 of U.S. citizen).
- 6 • *Yost v. United States*, Case No. 3:13-cv-02509-W-DHB (S.D. Cal., filed Oct. 18, 2013)
- 7 (unpublished) (settlement of Federal Tort Claims Act suit against ICE for unlawful detention of
- 8 U.S. citizen).
- 9 • *Perez Santana v. Holder*, 731 F.3d 50 (1st Cir. 2013) (amicus counsel, argued); *Prestol*
- 10 *Espinal v. AG of the United States*, 653 F.3d 213 (3d Cir. 2011) (amicus counsel); *William v.*
- 11 *Gonzales*, 499 F.3d 329 (4th Cir. 2007) (amicus counsel); *Lari v. Holder*, 697 F.3d 273 (5th
- 12 Cir. 2012) (amicus counsel); *Pruidze v. Holder*, 632 F.3d 234 (6th Cir. 2011) (amicus counsel,
- 13 argued); *Reyes-Torres v. Holder*, 645 F.3d 1073 (9th Cir. 2011) (amicus counsel, argued);
- 14 *Contreras-Bocanegra v. Holder*, 678 F.3d 811 (10th Cir. 2012) (en banc) (amicus counsel,
- 15 argued) (invalidating regulation barring review over motions filed after noncitizen departs the
- 16 United States).
- 17 • *Matter of Cerda Reyes*, 26 I&N Dec. 528 (2015) (amicus counsel) (construing 8 C.F.R. §
- 18 1003.19(c) as governing venue over bond motions and finding that DHS transfer of respondent
- 19 out of the Carolinas prior to a bond hearing did not deprive immigration judge of jurisdiction to
- 20 conduct a bond hearing).
- 21 • *Lugo-Resendez v. Lynch*, 831 F.3d 337 (5th Cir. 2016) (amicus counsel) (establishing that
- 22 the deadline for motions to reopen may be equitable tolled).
- 23 • *Klim v. U.S. Customs and Border Protection*, No. 1:14-cv-268 (D. Vt., filed Mar. 25, 2015)
- 24 (dismissing habeas petition challenging expedited removal order after government agreed to
- 25 vacate the order).
- 26 • *Hassine v. Johnson*, 53 F. Supp. 3d 1297 (E.D. Cal. 2014) (granting attorneys' fees under
- the Equal Access to Justice Act after prevailing on petition to adjudicate naturalization
- application).

7. I have experience litigating class actions involving immigrants' rights. *See*

Duran Gonzales v. U.S. Department of Homeland Sec., 712 F.3d 1271 (9th Cir. 2013) (circuit-

wide certification) (successfully challenging retroactivity of agency decision to individuals

previously eligible for adjustment of status); *Brown v. U.S. Customs and Border Protection*,

1 No. 3:15-cv-01181-JD (N.D. Cal.) (settled prior to decision on certification) (challenging
 2 agency failure to timely respond to Freedom of Information Act requests); *Mendez Rojas v.*
 3 *Johnson*, 305 F. Supp. 3d 1176 (W.D. Wash., Mar. 29, 2018) (nationwide certification)
 4 (granting summary judgment for plaintiffs and ordering the government to provide notice and
 5 opportunity to comply with the one-year deadline for asylum applications); *Rosario v. USCIS*,
 6 No. 2:15-cv-00813-JLR, Dkt. No. 127 (W.D. Wash., July 26, 2018) (nationwide certification)
 7 (granting summary judgment for plaintiffs and ordering the government to timely adjudicate
 8 employment authorization document applications); *Wagafe v. Trump*, No. 2:17-cv-00094-RAJ,
 9 2017 U.S. Dist. LEXIS 95887 (W.D. Wash. June 21, 2017) (granting nationwide certification
 10 in case challenging application of the Controlled Application Review and Resolution Program
 11 to naturalization and adjustment of status applicants). I am also counsel in *Moreno v. Nielsen*,
 12 No. 1:18-cv-01135 (E.D.N.Y., filed Feb. 22, 2018), a putative nationwide class action on behalf
 13 of Temporary Protected Status holders seeking adjustment of status, and *Palacios v. Sessions*,
 14 No. 3:18-cv-0026 RJC-DSC (W.D.N.C., filed Jan. 17, 2018), a putative class action on behalf
 15 of certain noncitizens seeking bond hearings in the Charlotte Immigration Court.

18 8. In 2015, the American Immigration Lawyers Association awarded me the Jack
 19 Wasserman Memorial Award for Excellence in Litigation.

20 9. Kristin Macleod-Ball is an attorney at law, admitted in the State of New York.
 21 She has been a staff attorney at the American Immigration Council since September 2017 and
 22 previously worked at the Council from September 2012 to August 2016, first as a legal fellow
 23 and then as a staff attorney from May 2015 to August 2016. From September 2016 to August
 24 2017, she was a litigation attorney at the National Immigration Project of the National Lawyers
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 26

1 Guild.

2 10. Kristin is admitted to practice before the United States Courts of Appeals for the
3 Second, Third, Fourth, Fifth, Seventh, Eighth, Ninth and Tenth Circuits and the U.S. District
4 Court for the Eastern District of New York. She has experience litigating class actions
5 involving immigrants' rights. *See F.L.B. v. Lynch*, No. 2:14-cv-1026-TSZ (W.D. Wash.) (Ninth
6 Circuit-wide certification); *Mendez Rojas v. Johnson*, No. 2:16-cv-01024-RSM (W.D. Wash.)
7 (nationwide certification); *Wagafe v. Trump*, No. 2:17-cv-00094-RAJ (W.D. Wash.)
8 (nationwide certification); *Palacios v. Sessions*, No. 3:18-cv-0026 RJC-DSC (W.D.N.C.)
9 (putative class action); *Moreno v. Nielsen*, No. 1:18-cv-01135 (E.D.N.Y.) (putative class
10 action).

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12 11. Neither myself nor any of our co-counsel are receiving reimbursement from
13 individual plaintiffs or class members in this case. All counsel in this case are qualified and
14 capable of adequately and fairly protecting the interests of the individual plaintiffs and the
15 proposed class and possess the commitment and resources to prosecute the case as a class
16 action.

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19 I declare under penalty of perjury that the foregoing is true and correct. Executed this
20 6th day of September 2018 in Boston, Massachusetts.

21
22 By: s/Trina Realmuto
Trina Realmuto

CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2018, I filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties shall be served in accordance with the Federal Rules of Civil Procedure.

DATED this 6th day of September, 2018.

s/ Glenda M. Aldana Madrid

Glenda M. Aldana Madrid

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